

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

2663
41

PATENT APPLICATION

Wilhelmus Diepstraten
Adriaan Kamerman
Hendrik Moelard

RECEIVED

OCT 14 2004

Technology Center 2600

CASE 21-10-8

Serial No. 09/760583

Group Art Unit 2663

Filed January 16, 2001

Examiner B.T. Mace

Title Method And Device For Robust Fallback In Data Communications Systems

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VIRGINIA 22313-1450

REVOCATION OF POWER OF ATTORNEY WITH
NEW POWER OF ATTORNEY AND
CHANGE OF CORRESPONDENCE ADDRESS

SIR:

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint the practitioners associated with the Customer Number: **46900**. Please change the correspondence address for the above-identified application to the address associated with Customer Number: **46900**.

I am the assignee of record of the entire interest. See 37 CFR 3.71. *Statement under 37 CFR 3.73(b) is enclosed.*

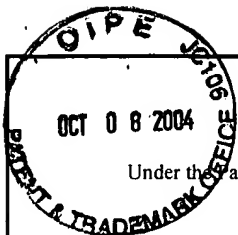
Respectfully,

Mark A. Kurisko, Attorney
Reg. No. 38944
610-712-3754.

Date: 10/16/04

Agere Systems Inc.,
4 Connell Drive, Room 4U-533C
Berkeley Heights, NJ 07922-2747

Enclosures
Statement Under 37 CFR 3.73(b)
General Appointment of Agent and Power of Attorney



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STATEMENT UNDER 37 CFR 3.73(b)**RECEIVED**Applicant/Patent Owner: Agere Systems Inc.

OCT 14 2004

Application No./Patent No.: 09/760583 Filed/Issued Date: January 16, 2001

Technology Center 2600

Entitled: Method And Device For Robust Fallback In Data Communications SystemsAgere Systems Inc. corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

In the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A Chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From Inventor(s) To: Lucent Technologies Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel 011480, Frame 0748, or for which a copy thereof is attached.
2. From Lucent Technologies Inc. To: Agere Systems Guardian Corp.
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From Agere Systems Guardian Corp. To: Agere Systems Inc.
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10/6/04

Date

Mark A. Kurisko

Typed or printed name

[Signature]

Signature

Corporate Counsel

Title

**AGREEMENT REGARDING
POWERS OF ATTORNEY**

by and between

LUCENT TECHNOLOGIES INC.

and

AGERE SYSTEMS INC.

Dated as of February 1, 2001

02/06/01 03:36 10:14 1006:00

AGREEMENT REGARDING POWERS OF ATTORNEY

This Agreement is effective as of February 1, 2001 between LUCENT TECHNOLOGIES INC., a Delaware corporation ("LUCENT"), having an office at 600 Mountain Avenue, Murray Hill, New Jersey 07974, United States of America, for itself and on behalf of its Subsidiaries (each and all herein after "LUCENT") and AGERE SYSTEMS INC., a Delaware corporation, with offices at 555 Union Boulevard, Allentown, PA 18109, United States of America ("AGERE").

WHEREAS, the Board of Directors of LUCENT has determined that it is in the best interests of LUCENT and its stockholders to separate LUCENT's existing businesses into two independent businesses; and


WHEREAS, as part of the foregoing, LUCENT has assigned certain United States and corresponding foreign patents and patent applications to AGERE, which patents and applications were filed in the name of LUCENT and various of its subsidiaries and predecessors, including AT&T Corp., a New York corporation and various of its subsidiaries; and

WHEREAS, in order to effect its rights under such patents and to prosecute such patent applications, including recording such assignments, AGERE representatives need Power of Attorney from LUCENT and predecessors of LUCENT.

THEREFORE, LUCENT agrees to provide AGERE employees and employees of AGERE affiliated companies with Powers of Attorney in the form attached to act for LUCENT, any of its wholly-owned subsidiaries, and any of such predecessors with respect to such issued patents and pending patent applications in the names of LUCENT, such subsidiaries or any of such predecessors.

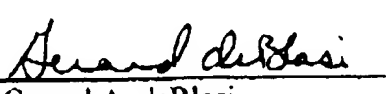
AGERE agrees to use such Powers of Attorney only with respect to those certain patents and patent applications which were assigned to AGERE by LUCENT.

LUCENT TECHNOLOGIES INC.

By: 
Daniel P. McCurdy
President - Intellectual Property Business

Date: 1/30/01

AGERE SYSTEMS INC.

By: 
Gerard A. deBlasi
Vice President - Law

Date: 1/30/01

GENERAL APPOINTMENT OF AGENT**And****POWER OF ATTORNEY**

Lucent Technologies Inc., for itself and its subsidiaries, and as successor in interest to patents of AT&T Corp. and its subsidiaries, hereby appoints:

Gerard A. deBlasi
Fred M. Romano
Scott W. McLellan
Richard J. Botos
Marie MacNichol
Geraldine Monteleone
Scott Rittman
Anthony Grillo
David Smith
Robert P. Marley
John Veschi
Mark Kurisko
Les Birnbaum

as agents and attorneys to act on its and on Lucent Technologies Inc.'s behalf before any competent National and International Authorities in connection with any and all patents and patent applications filed by Lucent Technologies Inc., its wholly-owned subsidiaries or its predecessors, or issued or pending in the name of Lucent Technologies Inc., or any of its wholly-owned subsidiaries or predecessors, with the power to further appoint agents, and grant powers of attorney in connection therewith.

Lucent Technologies Inc.

By: 

Daniel P. McCurdy

President - Intellectual Property Business

Date: 11/30/01

APPENDIX B (continued)
Transferred Patents (patent disclosures)

Case Name	IDS No.	Country	Serial No.	Filing Date
Addinall 3-2	119594 EPC		99309843	12/7/1999
Ammer 1-1	121017 EPC		303383.4	4/20/2000
Awater 11-13-10	122141 EPC		304239.7	5/19/2000
Awater 5-13	120083 EPC		303793.4	5/5/2000
Awater 6-14	120084 EPC		303784.3	5/5/2000
Awater 7-3-15	120110 EPC		310290.2	11/20/2000
Awater 8-35	121577 EPC		300397.7	1/20/2000
Baltersee 1-1-1	121008 EPC		300268	1/14/2000
Baltersee 2-2-2	121514 EPC		300254	1/14/2000
Baltersee 3-3-3	122055 EPC		104637.4	3/3/2000
Bar-David 9-10-18	114558 EPC		99303282	4/27/1999
Boer 4-5-1-6-5	120934 EPC		308184.1	9/20/2000
Brook 1-2-2	122536 EPC		304276.9	5/19/2000
Buckley 1	119438 EPC		9916972.4	7/20/1999
Buckley 1-1-1-2-1	117033 PCT		PCT/EP99/09027	11/11/1999
Buckley 2	119440 EPC		NULL	NULL
Buckley 3-1-2	122144 EPC		303977.3	5/11/2000
Busch 1-1	123325 EPC			NULL
Busch 2-2	123326 EPC			NULL
Busking 2	7 GR BRIT		9019486.1	9/6/1990
Canning 1-1-1-1	121133 EPC			NULL
Chambers 1	122265 EPC			NULL
Chapman 1	119419 EPC		NULL	NULL
Chapman 2	119435 EPC		9918792.4	8/10/1999
Chapman 4	119439 EPC		NULL	NULL
Chapman 5-4-5	121579 GR BRIT		5486.6	3/7/2000
Chapman 6-1-5	121887 GR BRIT		15105	6/20/2000
Chastanet 1	117218 FRANCE		8713646	10/2/1987
Chastanet 2-1-3	117248 FRANCE		9108065	6/28/1991
Cook 4-1	120446 EPC		99307660	9/28/1999
Cook 5-2	120447 EPC		99307661	9/28/1999
Cronin 1-1-1-1-1	121612 EPC			NULL
Davies 1-1-1-3-1	116205 EPC		98307490	9/15/1998
De Boer 1	118234 EPC		99302185	3/22/1999
De Boer 2-1	120534 EPC		NULL	NULL
→ Diepstraten 21-10-8	120711 EPC		300343.1	1/19/2000
Diepstraten 22-12-2-2	122133 EPC		306496.1	7/31/2000
Dietsche 1	120004 EPC		302954.3	4/7/2000
Dietsche 2	120005 EPC		309321.8	10/23/2000
Dittrich 1-1-19	120731 EPC		106914.5	3/31/2000
Dittrich 2-2-20	122004 EPC			NULL
Drueke 1-1	7 GERMANY		P4318339.5	6/2/1993
Duan 2-4-2	121023 CHINA			NULL
Dubel 1	112669 GERMANY		P4013477.6	4/27/1990
Dubel 3	112669 GERMANY		P3538184.1	10/26/1985
Eikelenboom 1-11-9-10	120712 EPC		302533.5	3/28/2000

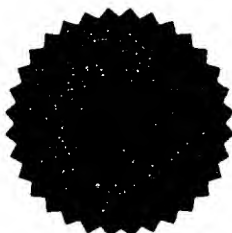
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"AGERE SYSTEMS GUARDIAN CORP.", A DELAWARE CORPORATION,
WITH AND INTO "AGERE SYSTEMS INC." UNDER THE NAME OF "AGERE SYSTEMS INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-NINTH DAY OF AUGUST, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF OWNERSHIP IS THE THIRTY-FIRST DAY OF AUGUST, A.D. 2002.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

3268412 8100M

AUTHENTICATION: 1959517

020545223

DATE: 08-29-02

CERTIFICATE OF OWNERSHIP AND MERGER

OF

**Agere Systems Guardian Corp.
(a Delaware corporation)**

INTO

**Agere Systems Inc.
(a Delaware corporation)**

**UNDER SECTION 253 OF THE GENERAL
CORPORATION LAW OF THE STATE OF DELAWARE**

Agere Systems Inc., a corporation organized and existing under the laws of Delaware ("Corporation"), **DOES HEREBY CERTIFY:**

FIRST: The Corporation is the owner of all of the outstanding shares of common stock of Agere Systems Guardian Corp., which is also a business corporation of the State of Delaware.

SECOND: On August 22, 2002 the Subsidiary Governance Committee of the Board of Directors of the Corporation adopted the following resolution to merge Agere Systems Guardian Corp. into the Corporation:

RESOLVED that Agere Systems Guardian Corp., a Delaware corporation, shall be merged with and into Agere Systems Inc., a Delaware corporation, with Agere Systems Inc. being the surviving corporation, and Agere Systems Inc. shall thereupon assume all of the obligations of Agere Systems Guardian Corp."

THIRD: That the merger authorized hereby shall become effective as of 9:00 a.m. Eastern Standard Time on August 31, 2002.

Executed on August 22, 2002

AGERE SYSTEMS INC.

By Paul Bento
Paul Bento, Vice President